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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**ALAN HEADMAN,**

**Plaintiff,**

**v.**

**RUSSELL MARION NELSON,**

**Defendants.**

**ORDER  
APPROVING OF AND  
ADOPTING REPORT AND  
RECOMMENDATION**

**Case No. 2:20-cv-115**

**Judge Clark Waddoups**

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On February 20, 2020, Plaintiff Alan Headman filed a *pro se* complaint (ECF No. 1) in this action against Defendant Russell Marion Nelson. On February 26, 2020, this action was referred to Magistrate Judge Evelyn J. Furse. (ECF No. 7). On March 18, 2020, Defendant filed a motion to dismiss that sought to dismiss Plaintiff's complaint with prejudice. The motion was fully briefed (see ECF Nos. 13 & 17), and on May 15, 2020, this action was reassigned to Magistrate Judge Daphne A. Oberg, (ECF No. 22). On November 5, 2020, Judge Oberg issued a Report and Recommendation (ECF No. 26) (the "Report") recommending that this court grant Defendant's motion to dismiss and dismiss Plaintiff's complaint with prejudice.

Pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, Plaintiff had fourteen (14) days to file objections to the Report. This deadline was explained in the Report and the docket entry of the same. (*See* ECF No. 26). Plaintiff did not file objections to the Report.

After reviewing the pleadings in this action together with the Report, the court agrees that Plaintiff's complaint fails to "state a plausible claim for relief against the named defendant" and "also fails to comply with Rule 8's pleading requirements." (ECF No. 26 at 9–10). As such, the

court **HEREBY APPROVES OF AND ADOPTS** Judge Oberg's Report and Recommendation (ECF No. 26). As such, Defendant's Motion to Dismiss (ECF No. 11) is **HEREBY GRANTED**, and Plaintiff's Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE**. Finally, the court **DIRECTS** the Clerk of Court to **CLOSE** the above-captioned civil case.

DATED this 20th day of November, 2020.

BY THE COURT:



Clark Waddoups  
United States District Judge